

**REMARKS**

Claims 1-33 are currently pending in the application. By this amendment, claim 32 is amended. The amendment to claim 32 is not for patentability reasons, rather for clarity and form. No new matter has been added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

***Allowed Claims***

Applicants appreciate the indication that claims 25, 27, and 31 contain allowable subject matter. However, Applicants submit that all of the claims are in condition for allowance for the following reasons.

***Objection to Drawings***

The drawings were objected to under 37 CFR 1.84 or 1.152. Upon an indication of a Notice of Allowance, Applicants will submit Formal Drawings.

***Objection to Abstract***

The abstract of the disclosure has been objected to because the title was underlined. In response, Applicants have amended the Abstract to remove the underline and to remove an unnecessary word "the".

***Objection to Specification***

The specification has been objected to for an improper attempt to incorporate subject matter by reference on pages 15<sup>1</sup> and 45. In response, Applicants have amended the specification to perfect the incorporation by references to copending applications on pages 16 and 45, respectively.

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<sup>1</sup> *Sic*; Applicants assume the Examiner meant page 16 and not page 15.

**35 U.S.C. §103 Rejection**

Claims 1-3, 5-11, 17-24, 26, 28, 29 and 32-33 were rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 6,502,091 issued to Chundi *et al.* ("Chundi). Claims 4, 12-16, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chundi in view of U.S. Patent No. 6,510,406 issued to Marchiso *et al.* ("Marchiso"). These rejections are respectfully traversed.

In order to reject a claim under 35 U.S.C. §103(a), MPEP 2143, states, in part:

"To establish a *prima facie* case of obviousness... there must be some suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings.... Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations."

Applicants agree with the Examiner (see page 4 of the office action) that Chundi does not teach or suggest, at least, the features of "wherein each cluster of the groups of clusters includes a set of documents containing a same word or phrase". However, Applicants do not agree that such features are obvious as outlined on page 4 of the Office Action. As such, Applicants submit that the Chundi reference does not teach or suggest all the claimed limitations as required by MPEP 2143.

The inventions of claims 1, 32 and 33 are directed, in aspects, to a system or method of analyzing and processing documents by building a dictionary based on keywords from text of documents and analyzing the text for keywords, number of occurrences of keywords and a context in which the keywords appear. Further, the documents are clustered into groups of clusters based on information obtained in the analyzing of the documents. Each group of clusters includes a set of documents containing a same word or phrase.

Chundi, however, is directed to an apparatus and method for relating user queries and documents using usage logs from retrieval sessions. The method includes identifying user queries having similar query contexts, partitioning user queries into groups based on similarity of the query contexts and merging the groups of queries to compute multiple contexts associated with specific query keywords and applying a clustering algorithm to identify similar query contexts to generate context groups that associate keywords with documents accessed by users. The invention of Chundi is using clustering based on user queries to generate context groups and associates keywords to the context groups. Chundi is not clustering documents and, as such, is not the same concept as the invention which, in part, clusters documents with common keywords or phrases. Applicants therefore submit that Chundi does not teach or suggest all the features of the claimed inventions as claimed in claims 1, 32 and 33.

The Examiner cites col. 2, lines 8-11 of Chundi to support the argument that it would be obvious to “clustering documents into groups of clusters where each cluster of the groups includes a set of documents containing the same word or phrase.” However, what is being taught at this section of Chundi is that related terms are grouped into clusters based on co-occurrence of terms in corpus of documents. This section teaches grouping terms into clusters not grouping documents into clusters. Applicants thus do not agree with the Examiner that it would be obvious based on this teaching of Chundi to conclude that “clustering documents into groups of clusters based on information obtained in the analyzing step, wherein each cluster of the groups of clusters includes a set of documents containing a same word or phrase” as recited by the claimed inventions. Nowhere in Chundi is there any teaching or suggestion of clustering documents.

Applicants accordingly respectfully submit that the Examiner is using impermissible hindsight reasoning in view of the invention to assert that it would be obvious in view of Chundi to cluster documents into groups of clusters where each cluster of the groups includes a set of documents containing the same word or phrase.

Applicants respectfully submit that the Examiner is using the invention's disclosure to arrive at this assertion. Where in fact, Chundi does not teach or suggest this concept. The use of hindsight in view of the invention is improper.

Also Applicants note that at col. 6, lines 5 and 6, Chundi states, "In order to group all queries with similar contexts, a query graph  $G(V,E)$  is defined..." Here the reference is to grouping queries not documents. At col. 6, lines 25 and 26 Chundi states "Clustering techniques are applied in order to identify similar query contexts." This is not the same as the invention, as Chundi is referring to query contexts. At col. 7, lines 14 and 15 Chundi states "the query contexts are then clustered in order to form context groups." Again, this also is not the same as the invention as Chundi is referring to context groups. As such, Applicants submit that Chundi nowhere teaches or suggests, at least, the features of "wherein each cluster of the groups of clusters includes a set of documents containing a same word or phrase."

Applicants therefore submit that since all of the features of the claimed invention are not taught or suggested by Chundi that a *prima facie* case of obviousness has not been established and that claims 1, 32 and 33 are allowable and that the rejection of claims 1, 32 and 33 should now be withdrawn.

Applicants also submit that claims 2, 3, 5-11, 17-24, 26-29 are directed to distinguishable subject matter and depend from allowable claim 1 and for at least this reason are also allowable. The rejection of claims 2, 3, 5-11, 17-24, 26-29 should now be withdrawn.

As to the rejections of claims 4, 12-16, and 30, Applicants submit that these claims depend from independent claim 1 and are therefore allowable for at least this reason. However, in regards to claim 4, the Examiner asserts that Chundi at col. 2, lines 60-61 teaches splitting clusters into sub-clusters. Applicants respectfully disagree. As argued in regards to claim 1, Chundi does not teach or suggest, at least, clustering documents, and, further, the cited section does not teach splitting clusters into sub-clusters. This section of Chundi simply teaches partitioning user queries into groups and

that the context groups associate keywords with documents accessed by users. There does not appear to be any splitting of groups at his section of Chundi. Marichiso does not supply these missing features either. Applicants therefore submit that since neither Chundi nor Marichiso, either singly or in combination, teach the features of claim 4. The rejection over claim 4 should be withdrawn.

As to claims 12-16, and 30, Applicant submits that these dependent claims are directed to distinguishable subject matter and depend from independent claim 1 and for at least this reason are also allowable. Applicants submit that the 103(a) rejection over claims 4, 12-16, and 30 should now be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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